



THESE JURORS COULD SEE NO HARM IN THE METHODS OF THE TOBACCO TRUST.

GIRL CRUSHED BY IN "L" TRAIN

Conscious for a Moment After Several Trains Had Passed Over Her.

"I DID NOT DO IT." FOR CONVICTION, 10 TO 2.

Her Stange Utterance When Found Wedged Against a Station.

A young woman was found on the railroad track in front of the Lafayette avenue station of the Kings County "L" at 10 o'clock last night, with her legs and back broken and her head crushed. She was still breathing and gasped: "God forgive me." She died in the ambulance that conveyed her to the Homeopathic Hospital. Just before she died she gave the name of Annie Brisk.

The woman was run over by several trains before her mangled body was found. The engineer of a train going up town looked across to the down town track while the train was stationed at the Lafayette avenue station. Just as he pulled the whistle to start his train he saw the body wedged in between the track and the platform of the down town station. He stopped just in time to signal to the engineer of a train going down town. The latter stopped his engine and dismounted from the car. The girl was lifted on the platform. Her face was bloody and her clothing was deep red with blood. There was no one else on the platform at the time and one of the guards of the train ran into the street and called a policeman. An ambulance was then summoned.

The woman was still alive when the ambulance arrived, but she was unconscious and breathing faintly. She was hastily removed into the ambulance and rapidly driven to the hospital.

On the way to the hospital she regained consciousness and when asked by the ambulance surgeon why she tried to kill herself she replied:

"I didn't do it. Oh, God forgive me. My name is Annie Brisk," she gasped. Then, standing back in the ambulance, she expired.

The station master on the uptown side said that the woman had purchased a ticket about ten minutes previous to the finding of the body. How she came on the track he did not know. Two trains had passed since she went out on the platform, but there was no other passenger after she bought the ticket. There is no ticket counter on that station, a turnstile having taken her place as a register.

The agent on the other side of the station said he had not heard any cries, nor did he see anything until the body was lifted to the platform.

The woman was about twenty-two years old. She was a handsome brunette, and wore a light cape, dark velvet collar, black skirt, blue and white striped waist, white stockings and black lace shoes. In the pocket of her dress was a pocketbook containing one cent and a penny ticket for a pair of shoes pawned at Fred's pawnshop. The ticket shows that 35 cents were paid on the shoes.

When the body was found it was very near the end of the platform, showing that it must have been dragged by the train.

STRANGLER TOLLER GUILTY. He is Convicted of Assaulting Mrs. Pauline Barnett.

Jacobs Toller, the strangler, was convicted of assault in the second degree yesterday before Recorder Goff. Toller is the man who, on November 20, choked and is alleged to have robbed Mrs. Pauline Barnett, of No. 11 St. Marks place.

Mrs. Barnett testified that Toller called on her on the night in question, and after early to death robbed her of

TRUST JURY TOOK FORTY BALLOTS.

Out More Than Twenty Hours, but Didn't Convict the Tobacco Kings.

Militiaman Fash and Millionaire Milliken Thought the Defendants Innocent.

After more than twenty hours of deliberation, after forty ballots had been taken, showing that the members stood ten for conviction and two for acquittal, the jury in the case of the indicted tobacco kings was discharged by Judge Fitzgerald for failing to agree.

The two jurors whose consciences would not permit them to vote for a conviction, were Mr. Hobart C. Fash, an insurance broker, of No. 34 Pine street, and Mr. Foster Milliken, of the Milliken Iron Company, at No. 39 Cortlandt street.

When the jury retired at 6 o'clock Monday evening it was thought that a conviction was certain. The evidence was clear to the majority of those in the courtroom, and the judge's charge was explicit as to the law.

During yesterday morning Juror Brewster was reported ill, and a physician was sent for. Later in the day the juror was considered very sick, owing to lack of rest, and this was one of the reasons that moved Judge Fitzgerald to discharge the jury.

The Pro-Trust Jurors. The two men who voted in the minority were two of the youngest looking men in the jury box. They both came from the grade of society which it is thought is not generally affected by trusts.

Mr. Fash is a member of the Seventh Regiment. He is in the same social set as the men who are under indictment, and is personally acquainted with Mr. W. H. Butler. Asked about his connections with corporations, Mr. Milliken said that he owned stock in nearly a dozen railroads and kindred interests. He knew that he would make an impartial juror, notwithstanding this fact. He said that he was not anxious to serve, and would like to be excused.

Speaking of Mr. Butler, one of the defendants, he said he had met him socially several times.

Mr. Goff accepted Mr. Milliken, as it would have looked like challenging a man simply because he was wealthy, and, as the District Attorney explained it several times to the jury, the fact was not against wealth, but the manner in which the defendants had used it.

Mr. Fash, the other juror, who believed that the evidence did not warrant a conviction, is an insurance broker at No. 34 Pine street. Mr. Fash is a member of the Seventh Regiment. He studied law for several years, but did not follow it up. Mr. Fash's definition of a trust was something held in trust by a trustee. He knew of no reason why he would not make a fair and impartial juror.

Mr. Fash, when asked if he knew any of the parties to the suit, said that he was acquainted with Frank McCoy, of the National Cigarette Company. He knew Mr. McCoy as a member of his company in the Seventh Regiment.

How the Men Stood. After the jury had been discharged the members refused to discuss the case, saying that they had agreed not to do so. Mr. Bryon when seen said:

"We agreed not to discuss the case and all I can say is that we stood ten to two for conviction. Mr. Fash and Mr. Milliken were the two who voted for an acquittal."

When the jury was discharged Mr. Rollins, who was present in court, was asked what the verdict of the outcome, and he replied, "The only thing I can say," he replied, "is that the jury was discharged."

"PAPA" MET HER ONLY IN DEATH.

On Her Way to School Jennie Was Killed by a Cable Car.

KISSED FATHER GOOD-BY.

Told Him to Meet Her When the Class Was Dis-missed.

CRUSHED UNDER A FENDER. SENATOR

She Was Paralyzed with Fear When She Heard the Lexington Avenue Road Gripman Shouting to Her.

Little Jennie Weiss, of Grammar School No. 72, situated at the corner of One Hundred and Sixth street and Lexington avenue, had her life crushed out by a cable car near that place yesterday afternoon in the sight of more than a hundred of her schoolmates. She was caught under the fender of the car.

Jennie lived with her parents at No. 215 East One Hundred and Seventh street. She was eight years old, and the light and life of the household. Her father, Julius Weiss, is the manager of Waltham Hall. When school was rung "off" at noon Jennie left the classroom and went home for dinner. She triumphantly showed her proud parents a card of merit which her teacher had given her, and during the meal she chatted merrily about her schoolmates.

"You will come and meet me when school is over, won't you, papa?" she said, as she kissed her fond father good-by. He assured her that he would and she walked gleefully from the house. She had to pass the cable tracks. She was very much afraid of the cars and always ran when crossing Lexington avenue. Lexington avenue cable car No. 821, south bound, with Hugh Doherty, of No. 2248 Fifth avenue, at the grip, was bounding up "Duffy's Hill" toward One Hundred and Sixth street when Jennie began to run across the tracks.

When she saw the car coming toward her, she might have expected to have been petrified by the sight of the gripman, who was warning her to hurry. She stopped stock still. The gripman made a mighty effort to stop the car, but he could not do so before the fender caught the child and dragged her one hundred feet beneath.

There was one shriek from Jennie, followed by those of the other members of the school, who were as to witness the school steps. There were several of motion among the children from beneath them. When the car passed the child was less crushed. She died in the One Hundred and Fourth Street Station.

The father did not call a school when Jennie did not return a season time, he went looking for her. He found her body at the station. Several who witnessed the accident said the Doherty was not to blame. He, however, was arrested and held to await the coroner's action.

TAMMANY TO CELEBRATE

The Fourth Will Be Appropriately Celebrated by New York Democrats—Bryon and Cleveland Invited.

All arrangements are now on Tammany's regular celebration "Glorious Fourth" on Monday. There will be many prominent speakers. The music will be under the Tammany Glee Club and the Ninth Regiment Band.

Among the invited guests are Cleveland and William Jennings. The letter of regret sent by the latter reference to the final of the country owing to a lack of calls attention to the local prosperity. Mr. Cleveland's regrets.

The speakers selected a silver men, but none of them will discuss the policy of international question to interfere with local issues.

The celebration will begin 10 o'clock in the morning.



Miss Elizabeth Clark

Many fashionable New York day of Miss Elizabeth Clark, of Baltimore, Md., which will take place, at

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